

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AARON REDDIX,) CASE NO. CV 17-968-RGK (PJW)
Petitioner,)
v.) ORDER DISMISSING HABEAS CORPUS
UNITED STATES DISTRICT COURT,) PETITION AND DENYING CERTIFICATE
Respondent.) OF APPEALABILITY

)

Before the Court is a Petition for Writ of Habeas Corpus, in which Petitioner, who is currently incarcerated in the Los Angeles County Jail, is challenging his January 20, 2017 state conviction. (Petition at 2.) He claims that he is entitled to a pardon based on California Proposition 57 and that his conviction was obtained on the strength of a false police report and perjured testimony. (Petition at 3.) Petitioner acknowledges that he has not filed an appeal or sought review in the California Supreme Court. (Petition at 5.) For the following reasons, the Petition is dismissed without prejudice.

The Court has a duty to screen habeas corpus petitions before ordering service on a respondent. See *Mayle v. Felix*, 545 U.S. 644, 656 (2005). In doing so, if it plainly appears from the face of a petition that a petitioner is not entitled to relief, the Court can

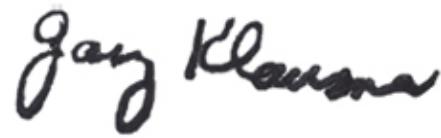
1 dismiss the petition at the outset. See Rule 4, Rules Governing
2 § 2254 Cases.

3 As a matter of comity between state and federal courts, a federal
4 court will generally not address the merits of a habeas corpus
5 petition unless a petitioner has first exhausted his state remedies by
6 presenting his claims to the highest court of the state. 28 U.S.C.
7 § 2254(b); *Rose v. Lundy*, 455 U.S. 509, 522 (1982); see also *Cooper v.*
8 *Neven*, 641 F.3d 322, 326 (9th Cir. 2011). Because Petitioner has not
9 presented his claims to the California Supreme Court, the Petition is
10 unexhausted and subject to dismissal. See *Rasberry v. Garcia*, 448
11 F.3d 1150, 1154 (9th Cir. 2006) ("Once a district court determines
12 that a habeas petition contains only unexhausted claims, it need not
13 inquire further as to the petitioner's intentions. Instead, it may
14 simply dismiss the habeas petition for failure to exhaust.").

15 Accordingly, the Petition is dismissed without prejudice.
16 Further, because Petitioner has not made a substantial showing of the
17 denial of a constitutional right, a certificate of appealability will
18 not issue in this action. See 28 U.S.C. § 2253(c)(2); Fed. R. App. P.
19 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

20 IT IS SO ORDERED

21 DATED: February 14, 2017



22
23 R. GARY KLAUSNER
24 UNITED STATES DISTRICT JUDGE

25 Presented by:



26 PATRICK J. WALSH
27 UNITED STATES MAGISTRATE JUDGE

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